

APPENDIX S

HARBOR DEVELOPMENT PERMIT FOR IR SITE 7



HARBOR DEVELOPMENT PERMIT

925 HARBOR PLAZA LONG BEACH, CALIFORNIA 90802
TELEPHONES (562)590-4160 (562)437-0041 FAX:(562)901-1728

PAGE 1 OF 3

1. PERMIT NUMBER
HDP-08-014

2. ISSUE DATE
10/13/2008

3. EXPIRATION DATE
10/13/2010

NOTE

4. TYPE OF ACTION:

- ☒ PURSUANT TO CALIFORNIA COASTAL ACT OF 1976 AND CERTIFIED PORT MASTER PLAN
☒ PURSUANT TO SECTION 1215 OF THE LONG BEACH CITY CHARTER
LEVEL II COASTAL DEVELOPMENT PERMIT
☐ APPEALABLE UNDER COASTAL ACT SECTION 30715

5. PERMITTEE: PORT OF LONG BEACH

8. PERMITTEE PHONE: (562) 437-0041

6. LEGAL INTEREST: Owner

9. CONTACT PERSON: Al Moro

7. PERMITTEE ADDRESS

925 Harbor Plaza
Long Beach, CA

ZIP 90802

10. TITLE/AFFILIATION:

Chief Harbor Engineer

11. PHONE: (562) 590-4140

12. DESCRIPTION OF APPROVED WORK:

SEE ATTACHED DESCRIPTION

13. LOCATION OF APPROVED WORK:

West Basin (AOEC-A, AOEC-C West, and AOEC-C East), Long Beach, CA

14. DRAWINGS:

15. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION:

- ☐ CATEGORICALLY EXEMPT _____ [CLASS]
☒ NEGATIVE DECLARATION, ADOPTED 10/13/2008 [DATE]
☐ ENVIRONMENTAL IMPACT REPORT, CERTIFIED BY _____ [LEAD AGENCY] _____ [DATE]

16. MANDATORY FINDINGS:

- ☒ THE PROJECT CONFORMS WITH THE CERTIFIED PORT MASTER PLAN
☒ THE PROJECT CONFORMS WITH THE POLICIES OF THE COASTAL ACT
☒ THE PROJECT CONFORMS WITH THE ESTABLISHED POLICIES OF THE Terminal Island HARBOR PLANNING DISTRICT
☒ THE PROJECT WILL NOT HAVE ANY SIGNIFICANT ADVERSE ENVIRONMENTAL IMPACTS
☐ PUBLIC HEARING NOT REQUIRED PURSUANT TO THE PROVISIONS OF THE CERTIFIED PORT MASTER PLAN
☒ THE EXECUTIVE DIRECTOR AUTHORIZED ISSUANCE OF THIS PERMIT ON 10/13/2008
☒ A PUBLIC HEARING WAS HELD ON 07/28/2008 AT 925 Harbor Plaza, Long Beach
☒ THE BOARD OF HARBOR COMMISSIONERS AUTHORIZED ISSUANCE OF THIS PERMIT ON 10/13/2008
BY A 4 TO 0 VOTE

17. THIS PERMIT IS ISSUED SUBJECT TO PERMITTEE OBTAINING THE FOLLOWING APPROVALS, AS NECESSARY, AND COMPLYING WITH STATED PERMIT TERMS AND CONDITIONS

- ☐ L.B. DEPARTMENT OF PLANNING AND BUILDING
☐ L.B. BUREAU OF FIRE PREVENTION
☐ REGIONAL WATER QUALITY CONTROL BOARD
☒ AIR QUALITY MANAGEMENT DISTRICT
☒ U.S. ARMY CORPS OF ENGINEERS
☒ OTHER DTSC
☒ THOSE STANDARD CONDITIONS SHOWN ON THE ATTACHED PAGE OF THIS PERMIT.
☒ THOSE SPECIAL CONDITIONS SHOWN ON THE ATTACHED PAGE[S] OF THIS PERMIT.

18. ACKNOWLEDGEMENTS

DIRECTOR OF PLANNING

12/17/2008

DATE

I, Al Moro [PERMITTEE/AGENT] HEREBY ACKNOWLEDGE RECEIPT OF
HDP-08-014 AND HAVE ACCEPTED ITS CONTENTS AND CONDITIONS.

SIGNATURE OF PERMITTEE/AGENT

12/26/08
DATE

APPLICANT COPY



HARBOR DEVELOPMENT PERMIT

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1. PERMIT NUMBER	2. ISSUE DATE	3. EXPIRATION DATE	NOTE
HDP-08-014	10/13/2008	10/13/2010	

STANDARD CONDITIONS:

- Effective Date:** This permit shall not become effective until the ORIGINAL has been returned to the Environmental Planning Division, fully signed by the permittee or agent(s) authorized in the permit application. Failure to return the original within thirty (30) days of approval shall render the permit invalid. Other conditions notwithstanding, if the project is appealable the permit shall not become until after the tenth (10th) working day following notification of approval, unless an appeal has been filed with the California Coastal Commission within that time. By executing this permit, permittee or its agent(s) acknowledge that they have received a copy of the fully-signed permit for its use and post said copy conspicuously at the project site.
- Non-Waiver Condition and Assignment:** Nothing in this permit shall be deemed or construed as a waiver of any term or condition contained in permittee lease, preferential assignment, permit, or other agreement with the Long Beach Harbor Commission. This permit shall not be assigned except as provided in the Board of Harbor Commissioners Port Master Plan Implementation Guidelines and in Section 13170 of Title 14 of the California Administrative code, to the extent applicable.
- Permit Expiration:** Work authorized by this permit must commence within two years of the effective date of this permit unless otherwise specified. If work has not commenced, this permit will expire two (2) years from its effective date. Any application for an extension of said commencement date must be made at least thirty (30) days prior to the expiration of this permit.
- Compliance With Laws and Regulations:** Permittee shall comply with all laws, statutes, rules, regulations, and orders of all governmental agencies having jurisdiction over the permittee's project. Permittee, at its own expense, shall obtain all requisite permits, approvals, and consents from the appropriate agencies, including but not limited to the Long Beach Harbor Department, the City of Long Beach Department of Planning and Building, the City of Long Beach Fire Department, the South Coast Air Quality Management District, the California Department of Health Services, and the Regional Water Quality Control Board, and shall comply with any such permit, approval or consent. Copies of all requisite permits shall be available for inspection at the project site.
- Construction Drawings:** Final plans and specifications for construction, incorporating and modifications made by the Harbor Department, shall be submitted to the Environmental Planning Division for review and approval prior to commencement of any portion of the development.
- Notification:** Permittee shall notify the Chief Harbor Engineer, in writing, of the anticipated start date of any construction at least ten (10) days in advance. Permittee shall also notify the Harbor Department Traffic Engineer ten (10) days prior to the commencement of any project that may affect traffic flow on any street within the Harbor District.
- Permission from Property Owner:** Prior to commencing construction on property not under permittee control, permittee shall notify and obtain written approval from the owner or lessee of any such property, and shall submit copies of all such approvals to the Director of Environmental Planning.
- Subsurface Construction:** Permittee shall consult with the Surveys and Mappings Section of the Harbor Department and Underground Service Alert of Southern California (Dig-Alert) regarding possible interference to underground utilities for all work involving excavation. Permittee shall be responsible for all damage to underground structures and utility lines occurring as a result of project construction, and shall restore all ground surfaces disturbed by excavation to original conditions, unless otherwise provided for by the permitted project design. Permittee shall conduct all subsurface work in accordance with Harbor Department Standard Specification No. 116.
- Conduct of Work:** Permittee shall perform all work in strict accordance with the plans and specifications approved by the Harbor Department Environmental Planning Division. Permittee shall conduct project site preparation and construction activities in a manner that minimizes dust and releases of materials into harbor waters. Distribution and/or removal of surplus materials (fills, dirt, broken asphalt, etc.) generated by the construction activities on property under the jurisdiction of the Harbor Commission must have prior approval of the Chief Harbor Engineer.
- As-built:** As-built drawings for construction within the Harbor District shall be submitted to the Construction Inspection Section of the Harbor Department within thirty (30) days of the completion of work. Except in the case of underground work, final construction drawings may serve as as-builts provided a set of such drawings are submitted and stamped "as-built". For underground work, permittee shall submit to the Construction Inspection Section, within thirty (30) days of completion of the work, two (2) sets of as-built drawings and survey notes, signed by a licensed surveyor who shall certify to the accuracy of the horizontal and vertical alignment. All of said drawings shall be drawn to a scale of no more than one hundred (100) feet to the inch, shall show the accurate alignments by centerline traverses, shall be referenced to all intersections of street property lines and survey points furnished by the Harbor Department, and shall show the elevations of the tops of the pipelines and facilities. All surveys work shall be to the latest third order of accuracy as established by the National Oceanic and Atmospheric Administration surveys.
- Traffic Management:** For all projects that impact Harbor Department roads, Permittee shall comply with all traffic warning and control devices, signs, and plans described in Area Traffic Control Handbook (BNI Books).
- Non-Compliance Penalties:** Violation of any provision or condition in this permit shall constitute grounds for revocation of this permit and shall render the permittee liable for civil penalties of up to \$10,000.00. Any person who willfully and knowingly conducts work in the Harbor District in violation of the Port Master Plan Guidelines shall be liable for civil penalties of \$5,000.00 per violation per day.
- Hazardous Material:** If during the course of the permitted project permittee shall discover or have reason to believe that material being excavated at the project site contains extremely hazardous wastes or hazardous wastes as those terms are or have been defined by the administrator of the Environmental Protection Agency, the California Department of Toxic Substances Control, or any other person or agency having jurisdiction over the management of hazardous materials, permittee, at its cost, shall: (i) promptly notify the Director of Planning of the permittees discovery or belief; (ii) at the request of the Director of Planning, initiate chemical and or physical characterization of the material; (iii) promptly submit all laboratory and test results to the Director of Planning on receipt thereof; (iv) develop and submit for approval to the Director of Planning a remediation plan providing for the disposal and or treatment of the contaminated material; (v) implement that plan in accordance with the regulations and orders of the governmental agencies having jurisdiction; (vi) if material is removed, replace all such material with clean fill material that is structurally suitable for the project, and cause the excavation to be backfilled and compacted; and (vii) promptly submit copies of all waste manifests to the Director of Planning.
- Indemnity:** Permittee shall indemnify the Harbor Department from and against any and all actions, suits, proceedings, claims, demands, damages, losses, liens, costs, expenses, or liabilities of any kind and nature whatsoever ("claims") which may be brought, made, filed against, imposed upon, or sustained by the Harbor Department, arising from, attributable to, caused by, in connection with, or pertaining to the activities

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DIRECTOR OF PLANNING

12/17/2008

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described in this permit, except to the extent such claims are caused by the negligence or willful misconduct of the Harbor Department.

DESCRIPTION OF WORK APPROVED:

Dredge up to approximately 800,000 cubic yards of contaminated sediments from Installation Restoration Site 7 and placing that material offsite in an approved fill site at Pier G. Demolish existing dilapidated and abandoned sonar calibration pier, which requires abatement of asbestos-wrapped above-water utilities, removal of the timber and steel superstructure, and removal of the concrete piling. Materials are to be recycled or disposed of at an approved upland site. Retrieve four sunken barges and place them upland for hazardous material inspection, abatement, and dismantlement.

SPECIAL CONDITIONS:

- 1 The Port shall notify the Commander, the Eleventh Coast Guard District, and the U.S. Coast Guard (Sector Long Beach) not less than 14 calendar days prior to commencing work and as project information changes. The notification, either by letter, fax, or email, shall include as a minimum the following information:
 - A) Project description including the type of operation (dredging, diving, or construction)
 - B) Location of operation including latitude/longitude (North American Datum [NAD] 83)
 - C) Work start and completion dates and the expected duration of operations
 - D) Equipment and vessels involved in the operation (name, size, and type)
 - E) VHF-FM radio frequencies monitored by vessels on scene
 - F) Name of company, point of contact, and 24-hour phone number
 - G) Potential hazards to navigation
 - H) Chart number for the area of operation
- 2 The Port and its contractors shall install and maintain any safety lights and signals prescribed by the USCG, through regulations or otherwise, on their authorized facilities.
- 3 Consistent with San Pedro Bay Ports CAAP, the lead agency will require the contractor to implement the following feasible mitigation measures for harbor craft, on-road vehicles, and off-road equipment.
 1. Maintain equipment and vehicle engines in good condition and in proper tune as per manufacturers' specifications.
 2. To the extent practicable based on equipment availability, the Port shall, for all construction equipment, require construction contractors to use construction equipment with oxidation catalysts and particulate traps instead of gasoline- or diesel-powered engines. Diesel-powered equipment that has been retrofitted with after-treatment products reduces NOx by 40 percent. However, where diesel equipment has to be used because there are no practical alternatives, the Port will (to the extent practicable based on equipment availability) require construction contractors to use particulate filters and oxidation catalysts.
 3. To the extent practicable based on equipment availability, the Port shall require construction contractors to use trucks supplying materials and supplies to the project site be fitted with oxidation catalysts or particulate traps.
 4. The Port shall require the contractor to use electricity from power poles instead of temporary diesel- or gasoline-powered generators for any on-land activities and shall be required to use a dredge powered by electricity from either a mobile source permitted by the SCAQMD or from a landside source connected to the regional power grid. Note the clamshell dredge proposed shall be electrically powered from an existing substation on Pier T.
- 4 Permittee shall conduct project site preparation and construction activities in a manner which minimizes dust and the release of materials into harbor waters.
- 5 Permittee shall coordinate with all facilities which may be affected by the permitted project. Permittee shall not interfere with any facility operations.
- 6 Permittee shall be responsible for all damage to underground structures and utility lines occurring as a result of the proposed project.
 5. Prohibit heavy-duty construction vehicles from idling in excess of 5 minutes, both on and off site, to be consistent with state law.
 6. The Port shall require dredging contractors to use harbor craft meeting USEPA Tier-2 standards for harbor crafts or meet equivalent reductions, as well as require no later than 5 years or when they first become available, all previously re-powered harbor craft to retrofit with the most effective ARB verified/verifiable NOx and PM emissions reduction technologies.
 7. The Port shall require dredging contractors to use low-sulfur fuel in the engines at the following annual participation rates:
 - 2007 to 2009 - use of main fuel in all main engines with a maximum sulfur content of 0.2 percent.

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